

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2010-15908

Issue No: 2013, 3002

Case No:

Load No:

Hearing Date:

February 24, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on February 24, 2010.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On December 9, 2009, Claimant applied for FAP and MA benefits.
(Exhibits 2-17)
- (2) On December 14, 2009, the Department mailed Claimant a Notice of Case Action which informed her that she was approved for MA effective January 1, 2010.
(Exhibits 36-39)

(3) On December 30, 2009, the Department mailed Claimant a Notice of Case Action which informed her that she was approved for MA for December 2009, but denied for January 1, 2010 – ongoing. It also informed her that she was approved for [REDACTED] in FAP benefits for a December 9, 2009 – December 31, 2009 and [REDACTED] in FAP benefits for January 1, 2010 – November 30, 2011. (Exhibits 42-44)

(4) On January 4, 2010, the Department mailed Claimant a Notice of Case Action which informed her that her FAP benefits were decreased to [REDACTED] effective February 1, 2010. (Exhibits 32-35)

(5) On January 13, 2010, the Department received the Claimant's hearing request.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department), administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in

the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected.

Prospective budgeting is the best estimate of the client's future income. BEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

BEM 505

In the instant case, there was a dispute regarding the amount of unearned income, SSI and/or RSDI, Claimant is receiving per month. The amount of RSDI affects Claimant's eligibility for FAP and MA benefits. Claimant brought documentation to hearing regarding what she received in the months of December 2009 and January and February 2010. The undersigned requested that the Department fax it at the conclusion of the hearing, but the undersigned has not received it as of the date of this hearing decision.

With the above said, I do not find that the Department established that it followed policy in computing Claimant's FAP and MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in computing Claimant's FAP and MA eligibility.

Accordingly, the Department's FAP and MA eligibility determination(s) are REVERSED, it is SO ORDERED. The Department shall:

- (1) Determine Claimant's unearned income from SSI and/or RSDI in the months of December, January, February and going forward and run FAP and MA budgets from the application date of December 9, 2009.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.
- (4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

_____/s/_____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 4, 2010

Date Mailed: March 5, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SMB/db

cc:

